

Applicants : Wai-Kuen LUI and William Wai-Shing LUI
USSN : 10/593,701 Atty. Dkt. No. : 865-B-PCT-US
Filed : 9-19-2006 Art Unit : 3732
Examiner : Hao D. Mai Date of office action : 4-7-2009
Page : 2 Date of response : 6-2-2009

REMARKS

Claim Status

Claims 22 and 24-41 are pending in the application.

Rejection Under 35 U.S.C. §103(a)

Claims 22, 24-27 and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (U.S. Pat. No. 3,533,420) in view of Chodorow et al. (U.S. Pub. No. 2005/0217692).

The Examiner acknowledges that Maloney discloses the invention substantially as claimed except for the flexible means, the teeth-cleaning means and the handling means are of one construction, namely monolithic with a living hinge. The Examiner contends, however, Chodorow et al. disclose a floss device having such living hinge. The Examiner thus concludes that it would have been obvious to modify Maloney by using the living hinge as taught by Chodorow. The rejection is respectfully traversed.

Applicants submit that Chodorow et al. do not disclose a flexible means as claimed herein. Claims 22 and 31 are drawn to an apparatus comprising:

... and the flexible means is pliable so that the interdental material can be brought laterally to either side of the longitudinal axis of the handling means to have an about 90 degrees angle between the interdental material and the longitudinal axis of the handling means

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Chodorow et al. do not teach or suggest a flexible means as recited above. Instead, Chodorow et al. only teach a flexible means that enables a flosser head to move from a first position generally co-planar to a handle to a second position that is at an angle with the planar phase of the handle (see e.g. Figures 5, 23 and 25 of Chodorow). Chodorow et al. do not teach or suggest a "*flexible means [which] is pliable so that the interdental material can be brought laterally to either side of the longitudinal axis of the handling means to have an about 90 degrees angle between the interdental material and the longitudinal axis of the handling means*" as claimed herein.

Hence, the present invention is not obvious in view of Maloney and Chodorow et al. because the combination of Maloney and Chodorow does not teach or suggest each and every aspect of the present invention. Accordingly, Applicants respectfully request that the rejection of claims 22, 24-27 and 31-38 under 35 U.S.C. 103(a) be withdrawn.

Rejection Under 35 U.S.C. §103(a)

Claims 28-30 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (U.S. Pat. No. 3,533,420) in view of Chodorow et al. (U.S. Pub. No. 2005/0217692), and further in view of Gordon (U.S. Pat. No. 5,184,719). The rejection is respectfully traversed.

Maloney and Chodorow have been discussed above. The Examiner cites Gordon to teach a guarding means. As discussed above, the combination of Maloney and Chodorow does not teach or

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suggest each and every aspect of the present invention, namely the above references do not teach or suggest a flexible means which is pliable so that the interdental material can be brought laterally to either side of the longitudinal axis of the handling means to have an about 90 degrees angle between the interdental material and the longitudinal axis of the handling means.

Thus, the present invention is not obvious in view of Maloney, Chodorow and Gordon. Accordingly, Applicants respectfully request that the rejection of claims 28-30 and 39-41 under 35 U.S.C. 103(a) be withdrawn.

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CONCLUSION

Applicants respectfully maintain that all the grounds of rejections raised in the April 7, 2009 Office Action have been addressed and earnestly urge the Examiner to render favorable action for the claimed invention.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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